

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	8:04CR167
	)	
Plaintiff,	)	
vs.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
JAMES ANDERSON,	)	
	)	
Defendant.	)	

Based upon the record made to the jury, and after considering the parties' briefs, the undersigned finds that the government has proven, by a preponderance of the evidence, that the \$5,100.00 in currency seized from the defendant is subject to criminal forfeiture, pursuant to 18 U.S.C. § 1955(d), 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(1), because such money was substantially connected to and used in the commission of the crime of conducting an illegal gambling business, for which the defendant was found guilty by the jury. The government shall prepare and submit to the undersigned a preliminary order of forfeiture, for issuance by the court under authority of 21 U.S.C. § 853 and Fed. R. Crim. P. 32.2(b)(2).

The money was found on the defendant on October 10, 2003, after a traffic stop of his vehicle. The \$5,100.00 was divided into 6 bundles that were rolled together into a large wad; wrapped around this wad of money was a sheet of paper that was identified as a gambling record. Also found at this time in the defendant's vehicle were a handgun and a blank receipt that matched receipts confidential informants returned to police after placing bets at 2402 Ames in Omaha. When a search warrant was executed at that address on December 29, 2002, the defendant was found there carrying a loaded handgun, gambling receipts, money, and a key to the premises. He was also observed either inside or else coming and going from 2402 Ames on over 20 occasions, and while inside was seen taking and paying off bets, counting money,

and basically standing guard. This and other evidence establishes the requisite nexus between the \$5,100.00 and the offense committed by the defendant.

Accordingly,

IT IS ORDERED that the \$5,100.00 in currency seized from the defendant is subject to forfeiture. The government shall submit a proposed preliminary order of forfeiture to the undersigned.

DATED: May 23, 2005.

BY THE COURT:

s/ Richard G. Kopf  
United States District Judge